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Applicability: DDSN Regional Centers, DSN Boards, and Contracted Service Providers

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PURPOSE:

To establish guidance consistent with state and federal law, for addressing social-sexual issues of people receiving services from a DDSN Regional Center, DSN Board, or contracted service provider.

PHILOSOPHY:

People have the right to experience family, friends, and relationships and to receive the necessary supports to enhance their participation and involvement as valued members of society. It is recognized that all people are sexual beings and have the right to express their sexuality in appropriate ways based on legal, cultural, religious, personal, and family values. Each person's right to be free from sexual abuse and exploitation will be respected along with their rights to sexual expression, privacy, confidentiality, and freedom of associations.

PROCEDURES:

People will be provided services in a healthful and safe environment. Supports and interventions will assist them in acquiring skills to promote the understanding and exercising rights, personal choice and responsibility, and awareness of personal health and safety. When someone cannot ensure his/her own safety, the agency providing services will be responsible for developing supportive services, including designating levels of supervision to ensure that the person is protected from harm.

When people receiving services demonstrate the desire to express their sexuality, agency responsibility will be directed towards assisting them to have an understanding of informed decision-making and consent (in accordance with DDSN procedure 535-07-DD, "Obtaining Consent"), mutuality of relationships, family planning, protection from sexually transmitted diseases, and to have the necessary skills to protect themselves from sexual abuse and exploitation.

All people have a right to express their sexuality in appropriate ways and to establish interpersonal relationships based on mutual consent. Sexual expression with another must be by mutual consent. People may not be able to give consent because of age or mental capabilities. DDSN and all service providers must ensure that those who receive services, family, staff and volunteers are aware that a large body of state and federal laws affect sexuality. The U.S. Constitution guarantees a person's right to privacy and freedom from harm. Service providers have the responsibility of balancing rights to privacy and self-determination with protecting vulnerable people from harm and exploitation. In carrying out their dual responsibility, service providers are expected to comply with all state laws designed to protect the rights of those who receive services as well as those designed to prevent abuse and protect people from harm.

#### SOCIAL-SEXUAL DEVELOPMENT:

Interventions and supports to aid in the development of social competency will be provided. Those interventions and supports should engender feelings of self-worth and self-esteem. Interventions and/or supports (including training, supervision, counseling, etc.) to develop appropriate social-sexual skills will be provided, including the opportunities for learning experiences that promote the development of social skills appropriate to the person's age and adaptive level. Social-sexual interventions will not encourage the development of specific behaviors, but rather will address the acquisition of appropriate skills based upon each person's expressed needs.

Service providers will not attempt to impose their own moral and religious values upon those being served, but will assist people to explore their own moral and religious heritage and developing their own values. Service providers will encourage people to seek guidance from family members, church, or others in the community.

Some people may choose to marry. When they do, they will be assisted to identify and secure needed support services including premarital counseling. If a husband and wife both reside in a residential program, they will be permitted to share a room.

#### FAMILY ROLE AND RESPONSIBILITIES:

As noted in the South Carolina Mental Retardation and Related Disabilities Head Injuries, and Spinal Cord Injuries Act, parental involvement and participation in planning will facilitate decisions and treatment plans that serve the best interests and welfare of the person receiving services. The person's interest and welfare will be the mutual responsibility and concern of the person him/herself, the family, the Department, local DSN Boards, and service providers.

Parents/guardians are encouraged to participate in developing supports in accordance with SCDDSN procedure 100-17-DD, "Family Involvement."

REVIEW PROCESS:

If any person or a parent/guardian disagrees with action recommended by program staff, they may ask for a reconsideration of the decision in accordance with consumer grievance/review procedures, which include a review by the local Human Rights Committee. The case may also be considered in a court of competent jurisdiction. Any individual wishing to exercise the right of review shall be assisted in obtaining independent legal representation or advocacy assistance, if so desired.

QUALITY ASSURANCE:

Regional Centers, DSN Boards, and contracted service providers shall develop procedures for implementing this directive.

As a part of quality assurance, DDSN Regional Centers, District Offices, and DSN Boards and contacted service providers shall also develop monitoring procedures to ensure compliance with this directive.

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